

AGENDA

**MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD
AGENDA**

REGULAR MEETING

1:00 P.M.

MAY 19, 2016

The *borough staff recommendations* related to petitions being considered by the platting board will be available at least five days prior to the scheduled consideration. It is the responsibility of the petitioner to review the recommendations prior to consideration.

The Platting Division shall process the official actions of the board. Conversation, discussion and testimony will be recorded and saved on record.

Access and ability to have needed information from the recordings (ex. appeals) will be made available to the petitioner by the Platting Division upon request.

All decisions as to approval or disapproval of a subdivision, vacation, elimination, public use easement, variance, right-of-way, or airport acquisition plat by the platting board shall be final unless a *petition for reconsideration* is submitted to the Platting Division within fifteen days of the date of the written *notification of platting board action*, or an appeal filed with the board of adjustments and appeals in accordance with MSB 15.39.

PUBLIC HEARING PROCEDURES

1. Chair states item to be addressed.
2. **Public Hearing Notices:** Secretary states number of public hearing notices sent out, date sent, and responses thereto.
3. **Staff Report:** The Platting Technician gives an overview of the project for the platting board and the public.
4. **Chair opens the public hearing:** The Chair may ask petitioner to give a short overview prior to public input.
5. **Public Testimony:** Members of the public are invited to sign in and testify before the board. Board members may have questions for the person testifying. Testimony is limited to three (3) minutes. The time limit may be extended at the discretion of the Chairman.
6. **Public hearing is closed by the chair.** No further public input is appropriate.
7. **Petitioner Comments:** Petitioner, or his/her representative, comes before the board to discuss staff recommendations and compliance with Title 43 and other applicable regulations. Testimony is limited to five (5) minutes. The time limit may be extended at the discretion of the Chairman.
8. **Motion, Discussion & Vote:** Motion is made and seconded by board members. No further unsolicited input from petitioner is appropriate.

Platting board discusses motion and votes; four affirmative votes are necessary for approval of the proposed action. Decisions are final, unless reconsidered by the platting board or appealed to board of adjustments and appeals.

**MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD AGENDA**

PLATTING BOARD

Jay Van Diest, Chairman
Tait Zimmerman, Vice Chairman
Stan Gillespie
LaMarr Anderson
Jordan Rausa
Patrick Johnson
Amy Hansen
Marty Van Diest, Alt #1
Gregory Pugh, Alt #2



PLATTING DEPARTMENT

Fred Wagner, Platting Officer
VickieLee Fenster, Platting Assistant
Peggy Horton, Platting Technician
Amy Otto-Buchanan, Platting Technician
Cheryl Scott, Platting Technician
Sloan Von Gunten, Platting Div. Specialist

*Assembly Chambers of the
Dorothy Swanda Jones Building
350 E. Dahlia Avenue, Palmer*

**MAY 19, 2016
ASSEMBLY CHAMBERS
REGULAR MEETING
1:00 P.M.**

1. CALL TO ORDER

- A. Roll Call and Determination of Quorum (by Administrative Specialist)
- B. Pledge of Allegiance
- C. Approval of the Agenda

2. APPROVAL OF MINUTES

- A. May 5, 2016

3. UNFINISHED BUSINESS

- A. **RANDALL MARTIN** (owners/petitioners): The request is to revise **MARTIN HEIGHTS** from a 2-phase to a 3-phase Master Plan to allow the recording and marketing of Lots 1-4 in Phase 1 prior to initiating construction of the cul-de-sacs for the remaining phases. Contains 16.95 acres +/- . This is a re-subdivision of Lot 3, Lone Eagle Estates Add #1, Plat 97-82, into 16 lots and originally received approval on September 6, 2006 under Title 16 with a 5-year extension granted on July 2, 2009. The petitioner is also requesting a 7-year extension from the public hearing date to allow the petitioner time to more effectively market the phases of the proposed revision. Located within W ½ Sec 19, T18N, R01W, S.M. AK, lying south of W. Spruce Lane. Community Council: Meadow Lakes, Assembly District: #7: Randall Kowalke

4. PUBLIC HEARINGS

5. AUDIENCE PARTICIPATION (*Three minutes per person, for items not scheduled for public hearing*)

6. MISCELLANEOUS

- A. Work Session on proposed amendments and changes to Title 43.

7. RECONSIDERATIONS/APPEALS

8. PLATTING OFFICER COMMENTS

9. BOARD COMMENTS

In order to be eligible to file an appeal from a decision of the Platting Board, a person must be designated an *interested party* pursuant to MSB 15.39.010. The procedures governing appeals to the Board of Adjustment & Appeals are contained in MSB 15.39.010-250, which is available on the borough Internet home page located at (www.matsugov.us), or at various libraries within the borough.

MINUTES

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on May 5, 2016, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 1:00 P.M. by the Chairman, Mr. Jay Van Diest.

1. CALL TO ORDER

A. ROLL CALL AND DETERMINATION OF QUORUM (by Administrative Specialist)

Platting Board members present and establishing a quorum:

- Mr. Jay Van Diest, District #1 (Chairman)
- Mr. LaMarr Anderson, District #2
- Mr. Stan Gillespie, District #3
- Mr. Jordan Rausa, District #4 (Excused Absence)
- Mr. Tait Zimmerman, District #5(Vice Chairman)
- Mr. Patrick Johnson, District #6
- Ms. Amy Hansen, District #7
- Mr. Marty Van Diest, Alternate 1. (Excused)
- Mr. Gregory Pugh, Alternate 2

Staff in attendance:

- Ms. Sloan Von Gunten, Administrative Specialist
- Mr. Fred Wagner, Platting Officer
- Ms. Peggy Horton, Platting Technician
- Ms. Amy Otto-Buchanan, Platting Technician
- Ms. Cheryl Scott, Platting Technician

B. THE PLEDGE OF ALLEGIANCE

- The pledge of allegiance was led by Mr. Gregory Pugh.

C. APPROVAL OF THE AGENDA

The Chairman, Jay Van Diest inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved with changes without objection.

2. APPROVAL OF MINUTES

The Chairman, Jay Van Diest inquired if there were any changes to the minutes.

GENERAL CONSENT: The minutes for April 21, 2016, were approved without objection.

3. UNFINISHED BUSINESS

A. THE RANCH MASTER PLAN PHASING

Sloan Von Gunten (Administrative Specialist)

- Stated that 386 public hearing notices were mailed out on April 14, 2016, to this date

there have been 10 returns, 2 objections, no non-objections, and no concerns.

Peggy Horton (Platting Technician)

- Gave an overview of the case.

Mr. Zimmerman arrived at the meeting.

Jay Van Diest (Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward.

Troy Malstrom (Owner of Lot 8 in Garden Terrace Estates Subdivision)

- Would like to see the roads completed first before adding more lots to the master plan.
- Concerned about safety and traffic as more lots are added to the area.

Chris Wallstrum (Owner of Lot 4 in Creekside Heights Subdivision)

- Concerned about safety in the area.
- Does not believe the added signage is enough for the roadway and the added lots.

Bobby Hubbard (representative for Hubbard Enterprises)

- Agrees with the alternate access for doing the construction.

Alex Drobenko (Owner of Lot 3 in The Ranch Phase 6C Subdivision)

- As a home owner and also a construction worker in The Ranch subdivision the traffic is steady and has not increased that much for the last 6 years.

Jay Van Diest (Chairman)

- Closed the public hearing.

Richard Besse (Petitioner's Representative) & Inge Turner (Arctic Devco Representative)

- Explained the modifications to phase 3A-2 on the master plan.
- Answered questions from the board on the property and roadways.
- Agrees with all the recommendations.

MOTION:

- Mr. Anderson moved to approve the modification of phase lines within The Ranch Master Plan Phase 3A-2 and the recording of Phase 3A-2A prior to completion of the Trunk Road Extension South construction for the Parks Hwy to Nelson Road, seconded by Mr. Zimmerman. Modify finding #11 and add #13 and #14.

DISCUSSION:

- Discussion about the roadways and the signage for The Ranch
- Discussion about approving the modification to phase 3A-2.

FINDINGS:

- Modify #11: The petitioner has proposed how traffic will be detoured to use Nelson Road ingress and egress other than Nelson Road, which is a requirement for the borough's support.
- Add #13: The petitioner stated that the contract that is written between the petitioner and the contractors will require their employees to use Fireweed and Nelson Road from the east to access phase 3A-2A.
- Add #14: The petitioner state that traffic using Fireweed to Nelson would be enforced by the troopers because signage directing traffic would be DOT approved.

VOTE:

- The motion failed with 4 against (Mr. Pugh, Mr. Johnson, Ms. Hansen, and Mr. Jay Van Diest) and 3 in favor. (Mr. Anderson, Mr. Zimmerman, and Mr. Gillespie)

FINDINGS FOR DENIAL:

1. The Ranch Master Plan currently expires December 4, 2018.
2. There are 273 platted lots with access to Fireweed Road and the Parks Hwy from Nelson Road to the East and access to Fairview Loop via Creekside Drive, Brome Ave and Abby Blvd to the North.
3. Brad Sworts, MSB Pre-Design & Engineering Division Manager, stated: "The Trunk Road Extension South project has restarted (now out of winter shut-down) with the following work either completed or in process:
 - The base for the road embankment between Nelson Road and the ARRC tracks has been placed with additional material stockpiled on top to accelerate any settlement that may occur.
 - The foundation and (MSE) retaining wall on the north side of the ARRC tracks are being constructed for the road bridge over the railroad.
 - The foundation and (MSE) retaining wall on the south side of the ARRC tracks will be constructed in early to mid-May.
 - The concrete girders for the road bridge over the railroad are being created in Washington State this week. Mid-June the girders they will leave Seattle by barge. By first week of July girders should be trucked to the project site.
 - Completion of the roundabout has been affected/delayed by ADOT&PF's Parks Highway repaving project, but roundabout should be finished in August – September timeframe.
 - Funding is available to complete the roundabout and the bridge over the railroad. The project will need additional funding to complete the road approaches (bring the embankment elevations up to final grade) to the bridge on both the north and south sides of the track."
4. Brad Sworts, MSB Transportation Planner has previously stated that once Trunk Road South is completed and Nelson Road is paved, that route would become the primary route to the school because of the numerous sharp angles, speed bumps and stop signs drivers are faced with going through Abby, Brome and Creekside Dr.

5. The petitioner has not demonstrated to the platting board's satisfaction that traffic will be prohibited from using ingress and egress other than Nelson Road, which is a requirement for the borough's support.
6. Two objections from nearby property owners were received as a result of the public noticing. Mr. Buzby does not support the addition of more lots as roads do not support the current traffic. Ms. Walser does not want more development until infrastructure is completed.
7. Traffic signs do not guarantee traffic will use Nelson Road to Fireweed Route to access The Ranch.
8. In December 2011, Platting Board place a condition of approval stating: "Other than the three phases laid out in the petitioner's paving plan dated November 14, 2011, no additional phases are to record until a collector standard road is constructed connecting Nelson Road to an equal or higher standard public road."

TIME: 2:42 P.M.

CD: 01:42:21

4. PUBLIC HEARINGS

A. BARRY'S FINGER LAKE #2 RSB L/5, 8, 13A & 14 W/ ROW VACATION

Sloan Von Gunten (Administrative Specialist)

- Stated that 69 public hearing notices were mailed out on April 14, 2016, to this date there have been 1 return, no objection, 1 non-objection, and no concerns.

Peggy Horton (Platting Technician)

- Gave an overview of the case.

Jay Van Diest (Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

Matthew Knepper (Petitioner) & Craig Hanson (Petitioner's Representative)

- Agrees with all the recommendations.

MOTION:

- Mr. Zimmerman moved to approve the preliminary plat for Barry's Finger Lake #2 RSB L/5, 8, 13A & 14 and a vacation of that portion of the platted 20' right-of-way, seconded by Mr. Johnson.

DISCUSSION:

- Mr. Anderson would like to know if DOT has concerns on access for lot 5A onto Bogard Road.

VOTE:

- The motion passed with 6 in favor and 1 against. (Mr. Anderson) There are 13 findings.

TIME: 3:01 P.M.

CD: 02:01:42

BREAK

TIME: 3:11 P.M.

CD: 02:11:24

B. SANDY SHORES RSB B/1 L/1, 2 & 6 & Tract A

Sloan Von Gunten (Administrative Specialist)

- Stated that 6 public hearing notices were mailed out on April 14, 2016, to this date there have been no returns, no objections, no non-objections, and no concerns.

Amy Otto-Buchanan (Platting Technician)

- Gave an overview of the case.

Jay Van Diest (Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

Nancy Mitchell (Petitioner)

- Agrees with all the recommendations.

MOTION:

- Mr. Johnson moved to approve the preliminary plat for Sandy Shores RSB B/1 L/1, 2 & 6 and Tract A, seconded by Mr. Gillespie.

VOTE:

- The motion passed with all in favor. There are 10 findings.

TIME: 3:19 P.M.

CD: 02:19:39

C. N. NORTHGATE PLACE PUE

Sloan Von Gunten (Administrative Specialist)

- Stated that 174 public hearing notices were mailed out on April 14, 2016, to this date there have been 2 returns, no objections, no non-objections, and no concerns.

Amy Otto-Buchanan (Platting Technician)

- Gave an overview of the case.

Jay Van Diest (Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

Dale Hammitt (Petitioner)

- Clarified with the platting board the actions being taken on this case.

MOTION:

- Mr. Gillespie moved to continue the N. Northgate Place Public Use Easement to June 2, 2016, seconded by Mr. Pugh

DISCUSSION:

- Discussion on if a continuance is needed or if there needs to be any other actions before voting on the case.

VOTE:

- The motion to continue to June 2, 2016 failed with 6 against and 1 in favor. (Mr. Gillespie)

MOTION:

- Mr. Pugh moved to approve the N. Northgate Place Public Use Easement, seconded by Ms. Hansen. Add recommendation #5 and remove finding #7.

RECOMMENDATIONS

- Add #5: Utility companies to relinquish the 15' wide utility easement within the proposed Public Use easement. Provide documentation to Platting staff the all utility companies affected have relinquished the easement.

FINDINGS:

- Remove #7.

VOTE:

- The motion passed with all in favor. There are 6 findings.

TIME: 3:49 P.M.

CD: 02:48:47

D. WINDY RIDGE

Sloan Von Gunten (Administrative Specialist)

- Stated that 71 public hearing notices were mailed out on April 14, 2016, to this date there have been no returns, no objection, no non-objections, and no concerns.

Amy Otto-Buchanan (Platting Technician)

- Gave an overview of the case.

Jay Van Diest (Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

Joy Cypra (Petitioner's Representative)

- Utilities will be underground at the T-turnaround.
- Agrees with the changes to the recommendations.

MOTION:

- Mr. Gillespie moved to approve the preliminary plat for Windy Ridge, seconded by Mr. Pugh. Add recommendation #8.

RECOMMENDATIONS:

- Add #8: Provide release documentation from MEA of the 15' wide utility easement recorded at Book 221, Page 432 within this property.

VOTE:

- The motion passed with all in favor. There are 9 findings.

TIME: 4:05 P.M.

CD: 03:04:57

E. OLYMPIC 2016

Sloan Von Gunten (Administrative Specialist)

- Stated that 57 public hearing notices were mailed out on April 14, 2016, to this date there have been no returns, no objection, no non-objections, and no concerns.

Amy Otto-Buchanan (Platting Technician)

- Gave an overview of the case.

Jay Van Diest (Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

Wayne Whaley (Petitioner's Representative) & Craig Rappe (Petitioner)

- Briefly gave an overview of the case.
- Agrees with the changes to the recommendations.

MOTION:

- Ms. Hansen moved to approve the preliminary plat for Olympic 2016 and the partial vacation of W. Olympic Circle, seconded by Mr. Gillespie. Remove recommendation #5 & #6. Add new recommendations #5 and #6.

DISCUSSION:

- Discussion on driveway access onto the roadway.

RECOMMENDATION:

- Remove #5 & #6
- Add #5: Add a plat note to read: "Lot 4 has existing access onto W. Parks Highway. This driveway access will be terminated when S. Zak Lake Road is constructed by ADOT&PF and accepted by the City of Wasilla. Driveway access for Lot 4 will then be from S. Zak Lake Road."
- Add #6: Add a plat note to read: "Lot 1 access from S. Lamont Circle only. No access allowed onto W. Parks Highway."

VOTE:

- The motion passed with all in favor. There are 11 findings.

TIME: 4:21 P.M.

CD: 03:21:02

5. MISCELLANEOUS

6. RECONSIDERATIONS/APPEALS

A. VISTA ROSE

Sloan Von Gunten (Administrative Specialist)

- Stated that 133 public hearing notices were mailed out on April 14, 2016, to this date there have been 2 returns, no objections, no non-objections, and no concerns.

Cheryl Scott (Platting Technician)

- Gave an overview of the case.

Jay Van Diest (Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

The Petitioner and/or the Petitioner's Representative was not present.

MOTION:

- Mr. Johnson moved to approve the reconsideration of the preliminary plat and variances for Vista Rose, originally approved on March 17, 2016, removing conditions 5, 12, and 13 to allow for plat recordation without construction of sewer, water and road improvements, seconded by Mr. Zimmerman.

DISCUSSION:

- Discussion on the reconsideration for Vista Rose.

VOTE:

- The motion passed with 6 in favor, and 1 against (Mr. Pugh). There are 11 findings.

TIME: 4:28 P.M.

CD: 03:29:16

7. AUDIENCE PARTICIPATION

8. PLATTING OFFICER COMMENTS

- No comments

9. BOARD COMMENTS

- Mr. Anderson will be out for the month of May and the first meeting in June.
- Mr. Pugh appreciates staff work.

Adjourned 4:31 P.M.

CD: 03:31:05

Jay Van Diest, Chairman

Sloan Von Gunten
Administrative Specialist

3A



MATANUSKA-SUSITNA BOROUGH
• PLATTING DIVISION •
350 EAST DAHLIA AVENUE, PALMER, ALASKA 99645-6488
PHONE 861-7874 • FAX 861-8407

MEMORANDUM

Date: May 19, 2016

To: Platting Board

Thru: Fred Wagner, Platting Officer

From: Peggy Horton, Platting Technician

RE: Martin Heights Master Plan Revision

Case #: 2006-169

REQUEST

The request is to revise Martin Heights from a 2-phase to a 3-phase Master Plan to allow the recording and marketing of Lots 1-4 in Phase 1 prior to initiating construction of the cul-de-sacs for the remaining phases. This case originally received approval on September 6, 2006 under Title 16 and received a 5-year extension on July 2, 2009. The petitioner is also requesting a 7-year extension from the public hearing date to allow the petitioner time to more effectively market the phases of the proposed revision.

EXHIBITS

Vicinity Map	EXHIBIT A
NOAs & Minutes	EXHIBIT B
Petitioner's request	EXHIBIT C
Topography	EXHIBIT D
Aerial Photo	EXHIBIT E

COMMENTS

Planning:	EXHIBIT F
DPW:	EXHIBIT G
DPW Engineer:	EXHIBIT H
Land Management:	EXHIBIT I
Emergency Services:	EXHIBIT J
Cultural Resources:	EXHIBIT K
Enstar:	EXHIBIT L

HISTORY

- 9/7/2006 The Platting Board approved the preliminary plat.
- 10/15/2007 notice to proceed issued and construction begins for the road within Phase 1.
- 7/2/2009 4-year Master Plan extension approved by Platting Board with additional conditions of approval.
- 7/25/2012 5-year administrative extension approved by Platting Officer pursuant to MSB 43.15.015(C)(3)(a) and will expire 12/31/2018.
- 4/26/2016 Petitioner's new surveyor, John Shadrach, requested a 7-year extension from the May, 2016 public hearing and a revision to the Master Plan phase lines.

Staff notes: No phase plats have recorded. Public Noticing and Advertising fee of \$33.28 associated with the public hearing held 7/2/2009 has not been paid.

DISCUSSION

This project is creating 16 lots south of W. Spence Lane, east of N. Pittman Road. MB 16.15.015(B)(2), *Preliminary Plat*, states The platting board or platting officer may approve an extension only if it finds that the conditions supporting approval of the preliminary plat have not materially changed. Staff notes the original approval notice is at **Exhibit B**. Conditions that have changed since the preliminary plat approval is that there is one additional lot platted on Spence Lane, and the borough has adopted a different Flood Damage Prevention provision, eliminating the requirement to place plat notes concerning the land's flood potential.

The petitioner's representative applied for an extension and a revision to the Master Plan phasing plan pursuant to MSB 16.15.015(B)(2) (**Exhibit C**)

Road Construction:

The original Master Plan, approved under Title 16 had 50' wide rights-of-way for the internal roads. The land is fairly flat as evidenced by the topography (**Exhibit D**). The current Master Plan before you has 60' wide rights-of-way, mimicking the current code. Staff is recommending the rights-of-way be 60' wide. Road construction for the original Phase 1 began October, 2007 after approval of the cost estimate and payment of the inspection fees. Some road construction was done as evidenced by the aerial photo (**Exhibit E**). Final road inspection report has not been submitted.

There are 23 existing lots using Spence Lane. The number of lots using Spence Lane was 22, and it has increased by one to 23 since 2006. When Phase 3 is platted, the Average Daily Traffic count will be over 200, which exceeds the amount allowed for a residential standard road. When Phase 3 is platted, Spence Lane will need to be upgraded to residential subcollector, as specified in the original conditions of approval.

Extension Request:

This Master Plan was approved under Title 16 and remains under Title 16. On July 2, 2009, The Platting Board approved an extension until December 31, 2012 contingent upon:

1. Complete the original Conditions of Approval.
3. As a clarification of original condition #10, Spence Lane will need to be upgraded to residential subcollector standards prior to the recordation of the second phase.
4. This extension is the last extension to be granted by the Platting Board.

At the time of this extension, Title 27 was in effect for other subdivisions and the assembly had put forth an ordinance placing a limit of 4 years total on the amount of time for Master Plan approvals under Title 16. This ordinance was adopted shortly thereafter as an amendment to Title 27. In light of that pending ordinance, staff recommended, and the Platting Board granted, a 3-year extension, as it coincided with the intent of the ordinance.

Title 43 allowed 5-year administrative extensions of all Title 16 and 27 plats. The Platting Officer granted that 5-year extension in July, 2012 at the request of the petitioner.

Revision:

The number of lots being proposed with this revision is the same as the original Master Plan. The revision is to the phasing plan. Originally, 2 phases of 8 lots each was approved, with access for all the lots from the internal roads to be constructed. The petitioner is requesting that the first phase will plat the four lots adjoining Spence Lane and a remainder tract. Phase 2 would be 6 lots adjoining the new road along the west side and Phase 3 would be 6 lots adjoining the new road along the east side.

The ROW Coordinator stated that based on the future requirement that Spence Lane be constructed to residential subcollector, he would be requiring the lots within Phase 1 to have driveways accessing the internal roads.

Comments:

MSB Planner has no comment (**Exhibit F**). MSB RSA Road Superintendent stated the road is a certified road but is of substandard qualities, by adding the extra traffic flow from 16 additional lots will only deteriorate this road even further. This is why a resolution to revise Title 43 regarding developers responsibilities in constructing roads to borough standards, and should not be a burden on the tax payers (**Exhibit G**). Staff notes the road will need to be upgraded to residential subcollector when the ADT meets the requirement of a greater standard of road. DPW Engineer has no comment (**Exhibit H**). Land Management has no objection (**Exhibit I**). West Lakes FSA and Dept of Emergency Services has no objection. The access for those lots meets the minimum required (**Exhibit J**). Cultural Resources found no known recorded sites on the property and they have no objection (**Exhibit K**).

Enstar has no comments, recommendations, or objections (**Exhibit L**).

There were no responses from the public as a result of the noticing for this meeting.

CONCLUSION

The request for an extension is pursuant to MSB 16.15.015(B)(2) wherein...only the platting board has authority to grant additional extensions and may only do so if it finds that the conditions supporting approval of the preliminary plat have not materially changed. Staff suggests the conditions for supporting the master plan have not materially changed.

The original approval date was September 7, 2006. The petitioner has expended all available administrative extensions allowed per Title 16 and Title 43. In July, 2009, the Platting Board granted its final extension for this Master Plan.

RECOMMENDATION

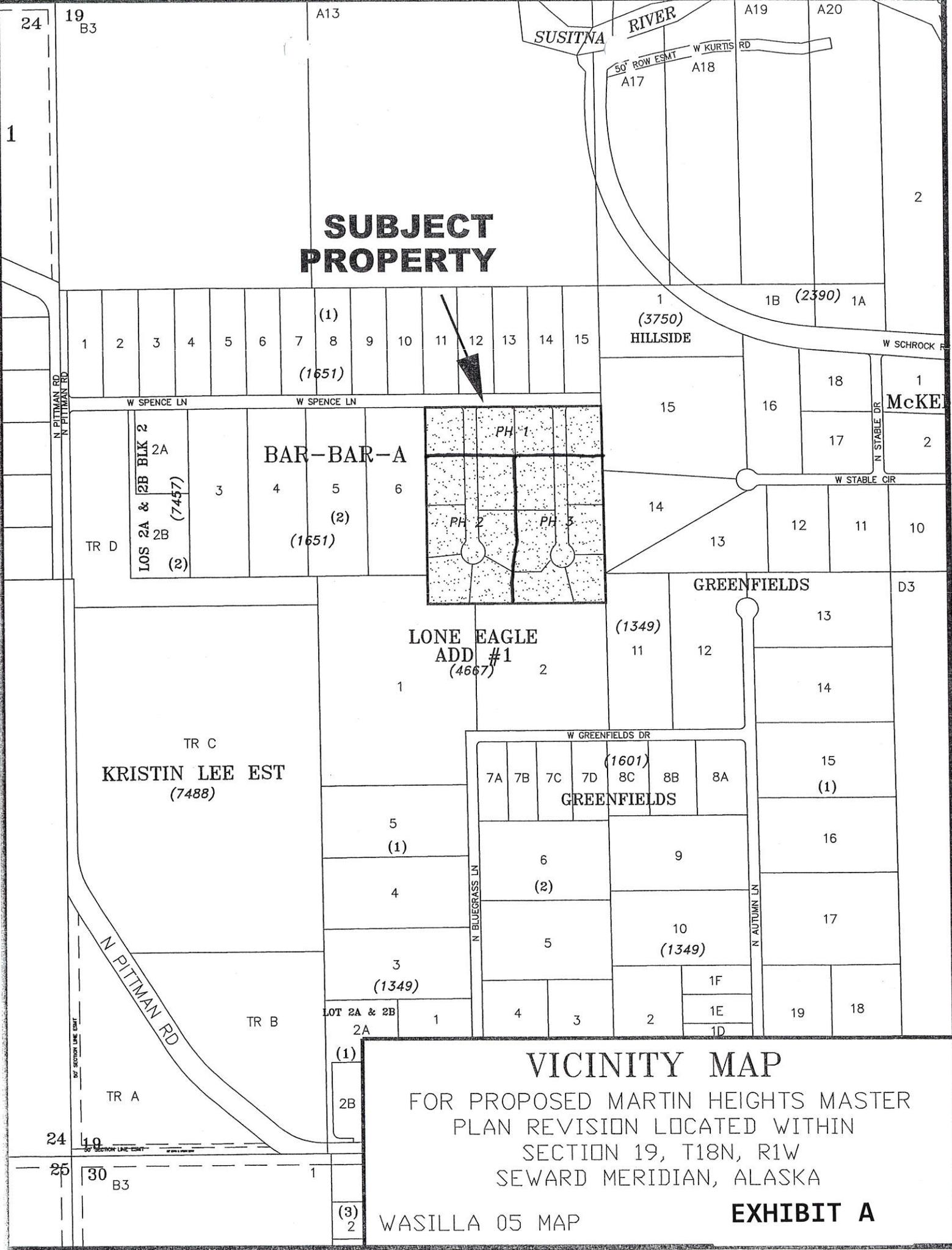
Proposed motion: “I move to approve *The Martin Heights Master Plan revision to 3 phases and a 5-year extension until December 31, 2023, contingent upon staff recommendations and findings*”:

1. Pay the Postage and Advertising fees due.
2. Resolve road names with Platting Staff. MSB 11.20.110, *Street Name Standards*, Duplication of existing street names is prohibited.
3. Plat the 4 lots adjoining Spence Lane and the proposed rights-of-way between them on the first phase plat.
4. For each phase, pay taxes and special assessments in full for the year of recording by certified funds or cash.
5. Obtain a Certificate to Plat and Beneficiary Affidavits for each phase, as required.
6. Construct all new roads to residential standards. Request a pre-construction meeting with DPW prior to road construction. Submit cost estimate for approval and pay inspection fee. Platting will issue a Notice to Proceed prior to commencement of construction for each phase.
7. Place 60' right-of-ways within the subdivision.
8. Option A: place 60' radius cul-de-sacs. Option B: dedicate 50' radius cul-de-sacs with additional 5' snow storage easements and utility easements outside of the snow storage easements and the addition of a plat note stating “No aboveground utilities to be located within the 5' snow storage easement.”
9. Provide 15' utility easements outside of the road right-of-way.
10. Submit final phase plats in full compliance with Title 16.
11. Spence Lane will need to be upgraded to residential subcollector standards prior to the recordation of the third phase.

FINDINGS

1. The extension is consistent with MSB 16.15.015(B)(2) wherein...only the platting board has authority to grant additional extensions and may only do so if it finds that the conditions supporting approval of the preliminary plat have not materially changed. The conditions supporting approval have not materially changed.
2. The preliminary plat was first approved on September 7, 2006. One administrative and one Platting Board extension have been granted and the current expiration date is December 31, 2018.
3. There has been 1 additional lot created along Spence Road since this Master Plan was first approved in Sept, 2006.
4. Randall Circle and Martin Circle would be duplicate road names, which is not allowed per MSB 11.20.020.
5. An inspection fee was paid for the road within the original Phase 1 and the road is partially constructed.
6. The Average Daily Traffic (ADT) count of 200 would be reached when the 3rd phase of this revised Master Plan is platted. The subdivision construction manual requires a residential subcollector standard road for ADT's over 200.
7. A request for Platting Board extension until December 31, 2023 was submitted along with the public hearing fee.
8. Conditions that have changed since the preliminary plat approval is that there is one additional lot platted on Spence Lane, and the borough has adopted a different Flood Damage Prevention provision, eliminating the requirement to place plat notes concerning the land's flood potential.
9. Condition of approval #3 for the Platting Board's extension on July 2, 2009 stated "This extension is the last extension to be granted by the Platting Board." This condition was based partially on an assembly proposed Title 27 ordinance at the time to limit the length of extensions for prior Title 16 plats.
10. There were no objections from borough departments, outside agencies or the public as a result of the noticing.

**SUBJECT
PROPERTY**



VICINITY MAP

FOR PROPOSED MARTIN HEIGHTS MASTER
PLAN REVISION LOCATED WITHIN
SECTION 19, T18N, R1W
SEWARD MERIDIAN, ALASKA

WASILLA 05 MAP

EXHIBIT A



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department Platting Division

350 East Dahlia Avenue • Palmer AK 99645
Phone (907) 745-9874 • Fax (907) 746-7407

September 14, 2006

NOTIFICATION OF PLATTING BOARD ACTION

RE: MARTIN HEIGHTS MASTER PLAN

RANDALL MARTIN
P O BOX 871748
WASILLA, AK. 99687

CASE: 2006-169

Action taken by the Platting Board on September 7, 2006 is as follows:

THE PRELIMINARY PLAT WAS APPROVED CONTINGENT UPON THE FOLLOWING CONDITIONS/REASONS (see attached).

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL BY THE PLATTING BOARD OR OFFICER SHALL BE FINAL UNLESS APPEALED TO THE BOARD OF ADJUSTMENT AND APPEALS, MSB 15.39. A PETITION WHICH IS TABLED BY THE BOARD SHALL BE DEEMED DENIED UNLESS THE APPLICANT BRINGS THE MATTER BACK BEFORE THE BOARD WITH ALL CONDITIONS MET WITHIN THE TIME ALLOWED BY THE BOARD OR BY LAW.

If this is in reference to a plat application, recordation at the appropriate District Recorder's Office of the plat is required before any transfer of title can occur. Should you have any questions or require a copy of the minutes of the meeting, please feel free to contact this office.

Kindest regards,

Paul D. W. W.

607 Ms. Janet Kincaid
Platting Board Chair

cc: COTTINI LAND SURVEYING
P O BOX 2748
PALMER, AK. 99645//MSB/DPW

EXHIBIT B-1

CONDITIONS/REASONS

The platting board approved the preliminary plat of Master Plan of Martin Heights Subdivision contingent upon the following:

1. For each phase, pay taxes and special assessments in full for the year of recording by certified funds or cash.
2. Obtain a *Certificate to Plat* and *Beneficiary Affidavits* for each Phase, as required.
3. Pay postage and advertising fees.
4. Construct all new roads to residential standards. Request a pre-construction meeting with DPW prior to road construction. Submit cost estimate for approval and pay inspection fee. Platting will issue a Notice to Proceed prior to commencement of construction for each phase.
5. Dedicate a 5' snow storage and utility easement adjacent to the cul-de-sacs in addition to the 15' utility easements. Add a plat note stating "No aboveground improvements to be located within the 5' snow storage easement."
6. Provide 15' utility easements outside of the road right-of-way.
7. Submit master plan for review by MSB platting staff after Platting Board approval.
8. Submit 4 approved, signed copies of master plan.
9. Submit final phase plats in full compliance with Title 16.
10. W Spence Lane to be upgraded to residential sub-collector standards.

FINDINGS

- 1) The preliminary plat for Martin Heights Subdivision is consistent with **AS 29.40.070 Platting Regulations** and **MSB 16.15.015 Preliminary Plat**.
- 2) The master plan is valid for three years after Platting Board approval, whereupon a one-year extension may be granted by the Platting Officer. Request for extension must be in writing and must be received by platting staff prior to expiration date of plat.
- 3) The statement by an Alaska Registered Land Surveyor or Alaska Registered Civil Engineer required under **MSB 17.29.160 (A) (4) (f) (i) Flood Damage Prevention** shall be placed as a note on the preliminary plat and on the final approved plat. This statement is to be shown on the master plan and subsequent phase plats.
- 4) The soils report states that based on soils data and existing topography, there is a minimum of 20,000 square feet of contiguous usable area within each of the proposed

EXHIBIT B-2

lots as required by the MSB Subdivision Regulations Title 16, and is signed by Mr. Archie Giddings, P.E.

- 5) There is an electrical transmission line running east-west along the southern boundary of this subdivision.
- 6) Cultural remains may include features such as garbage pits, depressions and/or other non-removable indications of human activity, as well as, artifacts, buildings, machinery, etc. Cultural Resources Department would like to record any cultural materials that may be observed during the subdivision activity.
- 7) There are no agency objections.
- 8) 3 public objections and one concern have been received and addressed.
- 9) The assembly has not passed a special land use district for the Comprehensive Plan for Meadow Lakes as of yet.

EXHIBIT B-3

- There have been 9 returns and one objection and one concern.

Ms. Roberts (Platting Tech)

- Gave a review of the request and the agency comments.
- Gave a history of the project.

Mr. Bruu (Vice-Chair)

- Concerned about the conditions for the original Mission Hills and was told that the conditions will be met and drainage plan will be addressed.

Ms. Kincaid (Chair)

- Opened the public hearing.

Mr. Ronald Naanes Jr.(owner near)

- Access to C8 a concern.
- Was told that those lots are not compliant

Mr. Heinrich (member)

- Do we have to give access to non-compliant lots?

Ms. Kincaid (Chair)

- Closed the public hearing and asked the petitioner to come forward.

Ms. Joy Cypra (Petitioner's Representative)

- Gave a history of the preliminary plat and master plan request.
- Stated that they agreed with the recommendations.
- Drainage plan will be presented and the board can make it a condition.

MOTION: Mr. Johnson moved to approve the plat of Mission Hills North with 6 recommendations. Ms. Neslund seconded.

VOTE: The motion passed unanimously. There were 4 findings. Adding No. 5, The petitioner agrees with recommendations. Adding No. 6 Two letters of objection have been received and addressed.

CD: 10:25

D. MARTIN HEIGHTS

Ms. Thompson (Secretary)

- On August 18, 2006, 65 notices were mailed.
- There have been no returns and 2 objections and one concern

Ms. Roberts (Platting Officer)

- Gave a review of the request and the agency comments.

EXHIBIT B-4

- Add history of the roads and previous subdivisions in the area.
- Addressed objections and concern.

Ms. Neslund (Member)

- The comp plan is approved and asked if the developer has to comply and was told that it was a plan and not a SPUD.

Ms. Kincaid(Chair)

- Opened the public hearing.

Ms. Knuntzel (owner near)

- Stated that she would like to have the comp plan enforced and require that lot size restriction.
- No buffering for the large lots to butt up to smaller lots.
- Access issues are a concern as this development will stress the proposed access.

Ms. Leann DeBrock (owner near)

- Stated that her brother will be limited to where he can put his house due to this proposed development.

Ms. Kincaid (Chair)

- Closed the public hearing and asked the petitioner to come forward.

Mr. Pio Cottini (Petitioner's Representative)

- Stated that he agreed with the recommendations.
- Answered questions concerning W. Spence Rd.
- There will be 16 lots and only need one access.
- Mr. Martin plans single family dwellings and not multifamily.
- Stated that the soils are very good and feel that septic systems most likely not fail with this type of soil.
- Stated that the roof on poles will be removed.

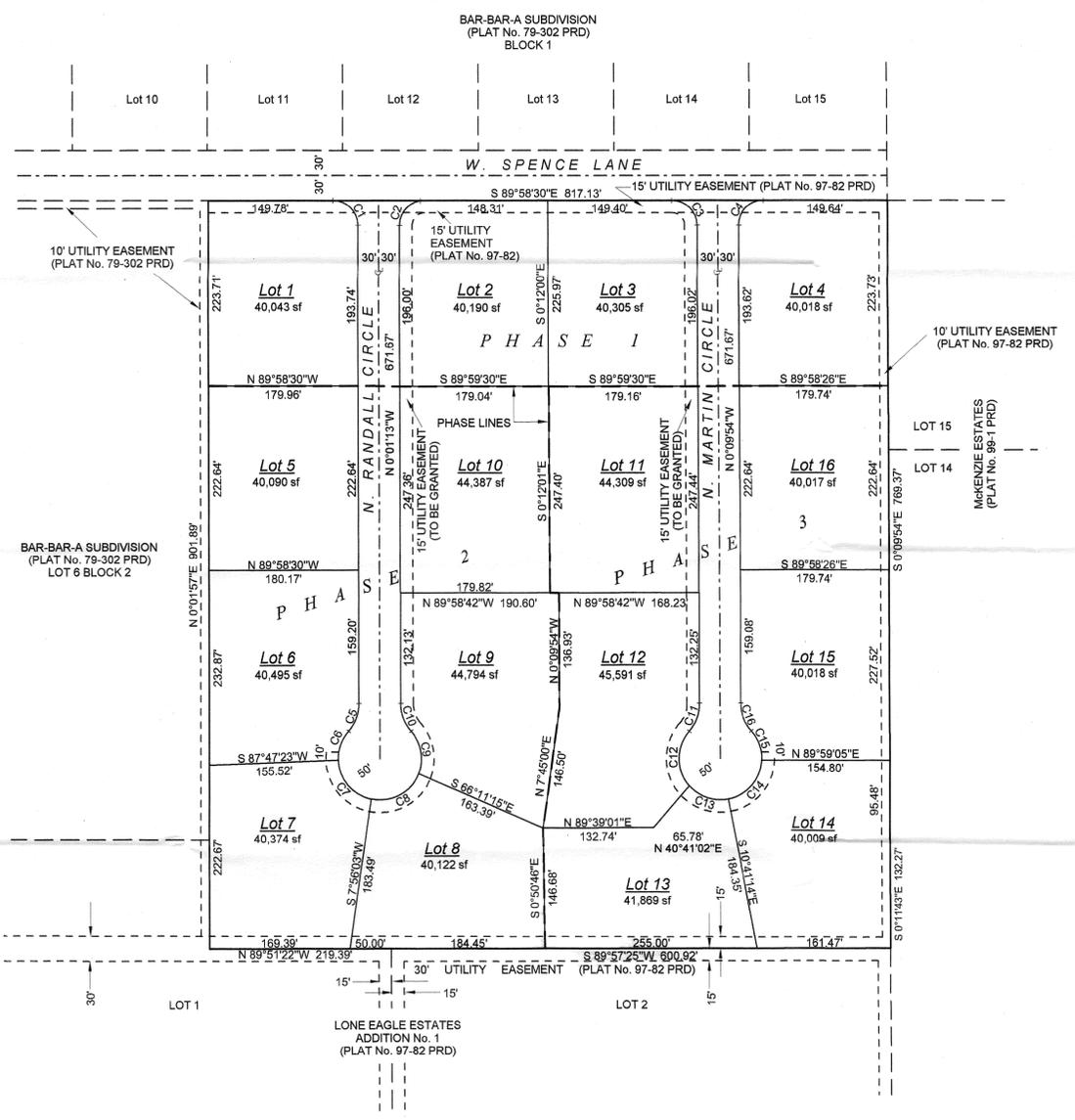
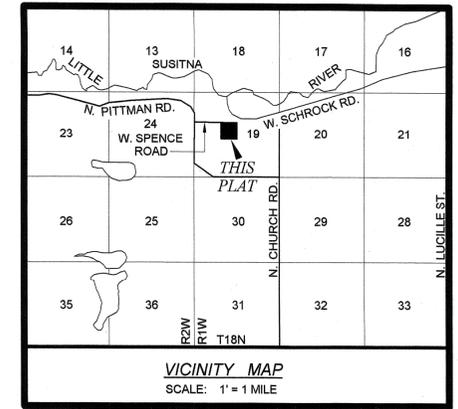
There was discussion concerning the cul-de-sacs and why they were allowed in this situation instead of a loop road.

Mr. Cottini (Petitioner's Representative)

- The loop road would not be possible so did cul-de-sacs.
- Was told that the access would have to be residential sub-collector status

MOTION: Mr. Johnson moved to approve the preliminary plat of Martin Heights with 9 recommendations adding No. 10 W. Spence Lane is to be upgraded to residential sub collector standards. Mr. Heinrich seconded.

EXHIBIT B-5



CURVE DATA

Curve	Delta Angle	Radius	Arc	Tangent	Chord	Chord Bearing
C1	89°58'32"	30.00	47.09	29.97	42.41	S 45°00'14"E
C2	90°02'43"	30.00	47.15	30.02	42.44	N 45°00'09"E
C3	89°48'36"	30.00	47.02	29.90	42.36	S 45°04'12"E
C4	90°12'10"	30.00	47.23	30.11	42.50	N 44°55'25"E
C5	41°24'35"	50.00	36.14	18.90	35.36	S 20°41'05"W
C6	43°03'55"	50.00	37.58	19.73	36.70	S 19°51'25"W
C7	75°51'48"	50.00	66.20	38.97	61.47	S 39°36'26"E
C8	81°28'21"	50.00	71.10	43.06	65.26	N 61°43'31"E
C9	62°25'08"	50.00	54.47	30.29	51.82	N 10°13'14"W
C10	41°24'35"	50.00	36.14	18.90	35.36	N 20°43'31"W
C11	41°24'35"	50.00	36.14	18.90	35.36	S 20°32'24"W
C12	82°33'58"	50.00	72.05	43.90	65.98	S 0°02'18"E
C13	60°00'00"	50.00	52.36	28.87	50.00	S 71°19'17"E
C14	75°59'15"	50.00	66.31	39.06	61.56	N 40°41'06"E
C15	44°15'57"	50.00	38.63	20.34	37.68	N 19°26'31"W
C16	41°24'35"	50.00	36.14	18.90	35.36	N 20°52'12"W

COVENANTS, CONDITIONS AND RESTRICTIONS
 RESTRICTIVE COVENANTS AND MODIFICATIONS TO SAME WERE RECORDED OCT. 13, 1977 AT BOOK 150, PAGE 653 AND OCT. 28, 1984 AT BOOK 386, PAGE 595, SERIAL IN THE PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

OWNERSHIP CERTIFICATE

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I HOLD SPECIFIED PROPERTY INTEREST IN THE PROPERTY DESCRIBED HEREON. I HEREBY AGREE TO THIS MASTER PLAN AND PLEDGE TO DEDICATE ALL RIGHTS-OF-WAY TO THE MATANUSKA-SUSITNA BOROUGH AND GRANT ALL EASEMENTS TO THE USES SHOWN AS EACH PHASE IS RECORDED.

RANDALL MARTIN
 212 N. BOUNDARY ST.
 WASILLA, ALASKA 99654

NOTARY'S ACKNOWLEDGMENT
 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 2005 FOR JOHN SHADRACH.

NOTARY FOR THE STATE OF ALASKA
 MY COMMISSION EXPIRES _____

MASTER PLAN CERTIFICATE OF APPROVAL

I CERTIFY THAT THE MASTER PLAN SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE LAND SUBDIVISION REGULATIONS OF THE MATANUSKA-SUSITNA BOROUGH, AND THAT THE MASTER PLAN HAS BEEN APPROVED BY THE PLATTING BOARD AT ITS MEETING OF _____, 20____ BY RESOLUTION No. _____ THIS APPROVAL SHALL BE IN EFFECT FOR A PERIOD OF THREE YEARS FROM THIS DATE, TO EXPIRE _____, 20____.

DATE _____ PLANNING AND LAND USE DIRECTOR

ATTEST: _____ PLATTING CLERK



PRELIMINARY PLAT

JOHN SHADRACH, R.L.S.
 professional land surveyor
 P.O. Box 871497
 Wasilla, Alaska 99687
 (907) 376-2260

SURVEYOR'S CERTIFICATE

I, JOHN SHADRACH, CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, THAT THIS MASTER PLAN OF SUBDIVISION HAS BEEN DESIGNED BY ME OR UNDER MY DIRECT SUPERVISION. THE DATA SHOWN HEREON IS A MASTER PLAN FOR SUBSEQUENT SUBDIVISION DEVELOPMENT ONLY AND NO FIELD SURVEY HAS BEEN CONDUCTED TO SET OR ESTABLISH ANY INTERNAL SUBDIVISION CORNERS.



JOHN SHADRACH
 REGISTERED PROFESSIONAL LAND SURVEYOR LS-5122

Agenda Copy
 A MASTER PLAN OF **RECEIVED**
MARTIN HEIGHTS APR 25 2016
SUBDIVISION PLATTING
 A REPLAT OF
 LOT 3 LONE EAGLE ESTATES, ADD. No. 1, PLAT No. 97-82,
 LOCATED WITHIN
 W/12 SECTION 19, T. 18 N., R. 1 W., SEWARD MERIDIAN,
 PALMER RECORDING DISTRICT,
 THIRD JUDICIAL DISTRICT, STATE OF ALASKA
 CONTAINING 16.95 ACRES, MORE OR LESS

DRAWN BY: JS	FIELD BOOK: N/A	PROJECT: MARTIN HEIGHTS MASTER PLAN
DATE: 4/12/2016		
CHECKED:	DRAWING SCALE: 1" = 100'	SHEET: 1 OF 1

5B

CODE ORDINANCE

Sponsored by: Assemblymember

Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-___**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING
MSB 43, SUBDIVISIONS.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of subsection. MSB 43.10.060(A), Platting Authority Procedure, is hereby amended as follows:

(A) The platting board shall act on an application for preliminary plat, variance, public use easement, plat note amendment, elimination or modification of platted utility, drainage, sanitation, slope, snow storage, buffer, and screening easements or vacation of public interest only after holding a public hearing on the application. The platting board shall hear applications for vacations at the hearing on the preliminary plat to which they pertain if an application for plat approval has been filed or is required. The platting board shall consider any

chapter and whether they should apply to a platting action.

(2) The platting officer shall not recommend or impose conditions of approval for platting actions that are not within the specific authority of this title.

[(3) THE PLATTING OFFICER SHALL DETERMINE WHETHER UTILITY EASEMENT REQUESTS ARE REASONABLE AND ONLY REQUIRE REASONABLE REQUESTS AS RECOMMENDATIONS TO THE BOARD OR AS CONDITIONS OF APPROVAL. THE PLATTING OFFICER SHALL PROVIDE FINAL APPROVAL ON THE ADEQUACY OF AN EASEMENT(S) PROVIDED FOR PLATTING ACTIONS ON FINAL PLATS AND PLATTING ACTIONS DELEGATED AS BY THIS TITLE, WITHIN 20 DAYS OF ACCEPTANCE OF SUBMISSION.]

(C) Leaseholds located within municipal airports are exempt from the requirement to plat.

(D) Commercial leases of ten years or greater are exempt from this title.

Section 4. Amendment of section. MSB 43.15.012, Forty-Acre Exemption, is hereby amended as follows:

(A) Purpose clause. The purpose of this section is to allow the land owner to divide or combine large parcels of land by document in an expedited manner.

(7) No more than four parcels shall be created from the parent parcel(s); and

(8) The applicant demonstrates that legal access as defined by MSB 43.20.120 exists to all parcels or tracts created and is suitable for future **borough standard** road construction.

(a) The suitability of legal access for future road construction shall be documented by the applicant based on the following information available from existing records within the Matanuska-Susitna Borough:

- (i) air photos;
- (ii) USGS mapping;
- (iii) topographic mapping; and
- (iv) other available data.

(b) The platting officer shall review within ten working days the legal access documentation and its "suitability" for future road construction.

(c) [FOR THE PURPOSE OF THIS SUBSECTION, "SUITABILITY" IS DEFINED AS THE ABILITY OF THE LEGAL ACCESS TO CONTAIN A BOROUGH STANDARD ROAD.

(I)] Access for parcels located two miles beyond the limits of the core comprehensive

two aliquot part corners set by the state or federal government, or land surveyor, or any combination of the preceding;

(C) Exemption document. The document exempting a parcel from the provisions of this title shall be reviewed by the platting officer. The platting officer shall approve the exemption document within ten working days once the exemption submittal meets the conditions of this subsection. Upon approval of the document, the platting officer shall execute the approved document, signed by the planning director, and it shall be affixed with the platting board seal. It is the responsibility of the applicant to pay all appropriate fees.

(1) The intent of this provision is to allow prompt approval of a 40-acre exemption.

(D) The decision of the platting officer in this matter is final unless appealed in accordance with MSB 43.35.

Section 5. Amendment of section. MSB 43.15.021, Public Use Easement Acceptance Procedure, is hereby amended as follows:

(A) Prior to acceptance by the borough and recordation, the offeror for a public use easement

profile, and cross-sections if existing grades along proposed route exceed 10%; or if utilities or other land/water features warrant such a submission as determined by the platting officer.

(D) If road construction is proposed, the offeror shall demonstrate that the physical road is feasible within the public use easement and that all approvals required from federal, state, borough, and other regulatory agencies have been issued or final recording will be contingent upon other permits and approvals.

(E) Public use easements shall be surveyed, monumented on the exterior, or the centerline if approved by the platting officer, and either shown on a record of survey, an associated plat, or a detailed sealed drawing prepared by a land surveyor which shall be recorded with the public use easement document.

[(E)] (F) Upon compliance with subsections (A) through (D)] of this section, a public use easement form with the approved legal description, bearing acknowledgment of acceptance by the borough and being signed by all individuals holding a legal or equitable interest in the property involved, shall be recorded.

the easement beneficiary or a portion of the easement will remain which includes the improvements;

(ii) if necessary a substitute easement is provided by document on the plat; and

(iii) findings of facts support granting the vacation;

(2) if the elimination or modification of easement is due to an encroachment, an as-built survey must be submitted with the original petition; and

(3) a vacation resolution is recorded along with a graphic representation showing the specific area eliminated and any alternate easements proposed.

(B) In acting on applications under this section the platting [OFFICER] board shall use the standards [AND THE PROCEDURES USED BY THE PLATTING BOARD IN ACTING ON APPLICATIONS] and procedures under MSB 43.10.060. The platting [OFFICER] board shall act upon the application within [30] 60 days of the acceptance for public hearing.

(C) Public noticing shall be in conformance with MSB 43.10.065. [NOTICE OF PLATTING AUTHORITY APPROVAL SHALL BE SENT TO THE PUBLIC BODY HAVING JURISDICTION IN ACCORDANCE WITH MSB 43.10.065.]

the public for the use and purpose specified in the plat.

(D) Duplication of names. Road and subdivision names may not duplicate existing road or subdivision names in spelling or sound to avoid confusion with existing names.

(E) Service area boundary requirements. [BECAUSE OF THE CONSTRAINTS OF STATE LAW, IT SHALL NOT BE A CONDITION OF SUBDIVISION APPROVAL THAT NO LOT, TRACT, OR PARCEL BE SPLIT BY A SERVICE AREA BOUNDARY. HOWEVER, IF POSSIBLE THE SUBDIVIDER SHOULD CONFIGURE A LOT, TRACT, OR PARCEL SUCH THAT IT WOULD NOT BE SPLIT BY A SERVICE AREA.] It shall be a condition of subdivision approval that no lot, tract, or parcel be split by a service area boundary. Proposals to create a lot, tract, or parcel that would be split by a service area boundary must realign the service area boundary prior to final plat approval.

(F) Utility easements.

(1) A snow storage easement if granted can be placed within a utility easement if there is no overriding surface conflict.

(d) Proposed rights-of-way or easements may be moved up to 25 feet if approved by the platting officer[, IF CHANGES MADE DO NOT AFFECT EXISTING PROPERTIES];

~~[(E) [PROPOSED RIGHTS-OF-WAY OR EASEMENTS MAY BE MOVED BETWEEN 25 FEET AND 100 FEET WITH THE CONCURRENCE OF THE PLATTING OFFICER AND THE DIRECTOR OF THE MATANUSKA-SUSITNA BOROUGH DEPARTMENT OF PUBLIC WORKS, AS LONG AS CHANGES DO NOT INCREASE THE AVERAGE DAILY TRAFFIC COUNT BY MORE THAN 5 PERCENT OR NECESSITATE A HIGHER ROAD CLASSIFICATION;]~~

~~(e) [(F)] Approved external accesses cannot be changed; and~~

~~(f) [(G)] Amendments and modifications cannot create setback violations.~~

Section 8. Amendment of subsection. MSB 43.15.053(C), Final Plat; Certificates, is hereby amended as follows:

(C) Surveyor's certificate. A surveyor's certificate shall be substantially in one of the forms that follow, whichever is appropriate:

I, (surveyor's name and land surveyor number), hereby certify that I am a registered professional land surveyor in the state of Alaska and that this

(E) Certificate to plat. Every final plat of a subdivision submitted for recording shall be accompanied by a certificate to plat or a preliminary commitment for title insurance, executed no more than [90]7 days prior to recording, by a title insurance company, confirming that the title of the land described and shown on the plat is in the name of the person signing the certificate of ownership as it is shown on the plat, or in the name of the corporation as shown in the certificate of ownership.

Section 10. Amendment of subsection. MSB 43.15.053(F), Final Plat; Certificates, is hereby amended as follows:

(F) Certificate of payment of taxes. Every final plat of a subdivision submitted for recording shall be accompanied by a certificate from the tax collecting official or city treasurer stating that all special assessments and borough real property taxes levied against the property are current. The certificate shall be as follows:

CERTIFICATION OF PAYMENT OF TAXES

I hereby certify that all current taxes and special assessments, through _____,

Section 12. Amendment of subsection. MSB 43.20.060(A),
Dedication to Public, is hereby amended as follows:

(A) All roads shall be dedicated to the public, except as provided in [SUBSECTION (D) OF THIS SECTION] **MSB 43.20.100(C)**; provided, that a subdivider shall be required only to provide the designated right-of-way width within the subdivision, and one-half of the designated right-of-way width of the street on the exterior boundary of the subdivision with the dedication secured from the adjacent property owner before final plat approval.

Section 13. Amendment of section. MSB 43.20.100, Access Required, is hereby amended as follows:

(A) There shall be legal and physical road access provided to all subdivisions and to all lots within subdivisions, except as allowed by subsection (B) of this section and any other exemption within this title.

(B) Upon finding that no practical means of providing road access to a proposed subdivision exists and upon a showing that permanent public access by air, water, or railroad is both practical and feasible, the platting board shall waive the road

(a) the applicant shall submit a documented plan stating

(i) what seasons road maintenance will be performed,

(ii) contact information for road maintenance,

(iii) length of the maintained roads in feet, and

(iv) surface type.

[(D) A SUBDIVIDER PROPOSING TO CREATE ROADS SHALL ENSURE ACCESS TO ADJOINING PARCEL(S) BEYOND A PROPOSED SUBDIVISION AS FOLLOWS:

(1) LEGAL ACCESS SHALL BE PROVIDED ALONG A CONSTRUCTIBLE ALIGNMENT;

(A) GEOMETRICAL ALIGNMENT SHALL MEET A MINIMUM OF SUBCOLLECTOR STANDARDS UNLESS THE APPLICANT DEMONSTRATES THAT IT IS NOT NECESSARY;

(B) PROVIDED THAT CONSTRUCTING PHYSICAL ACCESS TO SAID ADJOINERS SHALL NOT BE A CONDITION OF PLAT APPROVAL.]

[(E)] (D) A subdivision plat whose sole purpose is to separate/divide a home/headquarters site in a Matanuska-Susitna Borough agricultural rights parcel

approval, 43.15.049, Final plat; general provisions, and 43.15.051, Final plat; submitted;

(6) a plat note declaring that the borough is not responsible for road construction or road maintenance; and

(7) a plat note restricting further subdivision of the parcels being created.

Section 14. Amendment of section. MSB 43.20.140, Physical Access, is hereby amended as follows:

(A) Roads used for access or internal circulation shall:

(1) be located entirely within dedicated or legal rights-of-way; [AND]

(2) conform to existing requirements of the Subdivision Construction Manual[.]; and

(a) Prior to recordation, a surveyor's sealed drawing shall be submitted showing roadways within existing or proposed rights-of-way and any slopes steeper than 2.5 to 1 that extend beyond the right-of-way limits.

(b) A centerline profile shall be provided for those sections of roadway exceeding 6 percent grade.

(i) that area where slopes are less than 25 percent;

(ii) that area which is more than 100 feet from open water, surface waters, and wetlands;

(iii) that area which is located at least 50 feet from the top of a slope which is greater than 25 percent and has more than ten feet of elevation change;

(iv) that area which is not within an area dedicated to public use;

(v) that area which is outside of utility or other easements that would affect the use of the areas for on-site septic installation;

(vi) that area which is outside of a protective well radius;

(vii) that area which is outside of any known debris burial site; and

(viii) This subsection (A)(1)(a) may be changed to a minimum of six feet below surface if all of the following criteria are met:

(aa) There are special considerations which would preclude reasonably

(bb) a depth at which permafrost or an impermeable layer is encountered; and

(ii) the least depth associated with the following conditions, where they apply:

(aa) two feet below the depth where the water table is encountered;

(bb) twelve feet deep for shallow trench or bed systems;

(cc) sixteen feet deep for areas where deep trench or seepage pits will likely be used;

(dd) the depth to bedrock, clay, or other impermeable strata with an expected percolation rate slower than 120 minutes per inch; or

(ee) As determined by the engineer, a lesser depth as required to verify usable areas is acceptable for hand-dug excavations on parcels with limited or no access for heavy equipment.

(c) The minimum number of test holes shall be determined by the engineer.

(d) When the water table is encountered in the test holes, the depth to the seasonal high water table must be determined by:

(iii) shown by a percolation test conducted in accordance with (ADEC) Alaska State Department of Environmental Conservation regulations to have a percolation rate of 60 minutes per inch or less (faster).

(g) These borings or test holes shall be accomplished under the direct supervision of a state of Alaska registered civil engineer, who shall submit soil logs and other findings in writing to the Matanuska-Susitna Borough certifying 10,000 square feet of contiguous usable area for septic drain field use.

(h) Where lots, tracts, or parcels exceed five acres in size, the platting authority may accept a reduced number of test holes or other supporting information, accomplished under the direct supervision of a state of Alaska registered engineer.

(i) The platting authority shall exempt the submission requirements of MSB 43.15.016(A)(2) for purposes of fulfilling usable area requirements for subdivisions of land where:

system must have a minimum 10,000 square feet of useable septic area and are exempt from the useable building area requirement.

(3) The platting authority may approve lots having less than 20,000 square feet but at least 7,200 square feet if served by a community or municipal water system and community or municipal sewage disposal facilities.

(4) For those areas not served by municipal sewer and water, lots less than 20,000 square feet must be approved by a planned unit development as authorized by MSB 17.36.

Section 16. Amendment of section. MSB 43.55.010, Subdivision Agreement Required, is hereby amended as follows:

(A) Agreement. Where subdivision improvements are required under this title as a condition of plat approval the subdivider may enter into a subdivision agreement with the borough in accordance with this chapter. Road construction and drainage improvements must be at least 85 percent complete and all signage installed prior to entering into a subdivision agreement.

(4) the guarantee required by MSB 43.55.030;

[(5) A SCHEDULE FOR ANY PAYMENTS REQUIRED UNDER THIS CHAPTER;]

(6) the allocation of costs between the borough and the subdivider for required public improvements;

(7) the warranty required by MSB 43.55.037;

(8) the consent of the subdivider for the ownership of specified public improvements to vest with the municipality upon final acceptance by the borough;

(9) a warranty that the subdivider has title to the subdivision property and the authority to execute the subdivision agreement;

[(10) WHERE THE SUBDIVISION IS WITHIN THE REGULATORY FLOODWAY, A PROVISION REQUIRING THE SUBDIVIDER TO SUBMIT CERTIFICATION OF FLOODPROOFING, INFORMATION ON THE ELEVATION OF THE LOWEST HABITABLE FLOOR, AND INFORMATION ON THE ELEVATION TO WHICH THE STRUCTURE IS FLOODPROOF FOR EACH BUILDING OR STRUCTURE TO BE CONSTRUCTED AS PART OF THE SUBDIVISION AGREEMENT;]

improvements and the posting and acceptance of security for the warranty period.

(B) Cost estimates. The borough's estimate shall state the estimated cost of completion for each required public improvement. Cost estimates for each required public improvement shall be approved by the [PLATTING DIVISION] borough's civil engineer and shall be adequate for the borough to complete the construction. For purposes of establishing the amount necessary for the guarantee of completion of public improvements, a percentage of overrun allowance shall be added to the total estimated cost of public improvements as follows:

Total Estimated Cost of Improvement	Percent for Overrun Allowance
\$0 to \$500,000	20 percent
Over \$500,000	10 percent

(C) Methods of public improvement guarantee. The subdivision agreement shall include one or more of the following methods to guarantee the construction of required public improvements:

(1) Performance bond. The subdivider may provide a surety bond from a company authorized to do

the improvements. The funds may be released upon authorization by the borough for payment of improvements as made, except that the escrow holder shall always withhold from disbursement so much of the fund as is estimated by the borough as being necessary to complete the construction and installation of the improvements, plus an overrun at the percentage under subsection (B) of this section that is applicable to the cost of the remaining construction.

(b) In the case of a failure on the part of the subdivider to complete any improvement within the required time period, the institution shall immediately make all funds in the account available to the borough for use in the completion of those improvements.

[(3) LETTER OF CREDIT. THE SUBDIVIDER MAY ELECT TO PROVIDE FROM A BANK OR OTHER RESPONSIBLE FINANCIAL INSTITUTION AUTHORIZED TO DO SUCH BUSINESS IN THE STATE OF ALASKA AN IRREVOCABLE LETTER OF CREDIT THAT IS GOOD UNTIL A TIME AS THE BOROUGH AUTHORIZES ITS REVOCATION. THE LETTER SHALL BE FILED WITH THE BOROUGH AND SHALL CERTIFY THE FOLLOWING:

Section 19. Effective Date. This ordinance shall become effective upon adoption by the Matanuska-Susitna Borough Assembly.

CHAPTER 43.55: SUBDIVISION AGREEMENTS

Section

- 43.55.010 Subdivision agreement required
- 43.55.015 Assembly approval required
- 43.55.020 Completion date
- 43.55.025 Cost of required public improvements
- 43.55.030 Guarantee of completion of public improvements
- 43.55.035 Release of guarantee
- 43.55.037 Warranty
- 43.55.040 Warranty; correction of deficiencies
- 43.55.050 Release of warranty
- 43.55.055 Default
- 43.55.060 Enforcement
- 43.55.065 Other municipalities as beneficiary

43.55.010 SUBDIVISION AGREEMENT REQUIRED.

(A) *Agreement.* Where subdivision improvements are required under this title as a condition of plat approval the subdivider may enter into a subdivision agreement with the borough in accordance with this chapter.

(B) *Application.* Application for a subdivision agreement shall be made to the platting division. The application shall include a tentative schedule of all proposed construction of public improvements and utilities and the subdivider's estimate of the cost of each required public improvement, plans, specifications, descriptions of work, the limits of the work area, the methods to be employed, and any other pertinent data and information necessary for the platting division to evaluate the proposed installation. The borough may require a showing of the subdivider's financial responsibility.

(C) *Contents of agreement.* The subdivision agreement shall include, but need not be limited to, the following provision:

(1) a designation of the public improvements required to be constructed;

(2) the construction and inspection requirements of the borough or utility for which the improvements are constructed;

(3) the time schedule for completing the improvements;

(4) the guarantee required by MSB 43.55.030;

(5) a schedule for any payments required under this chapter;

(6) the allocation of costs between the borough and the subdivider for required public improvements;

(7) the warranty required by MSB 43.55.037;

(8) the consent of the subdivider for the ownership of specified public improvements to vest with the municipality upon final acceptance by the borough;

(9) a warranty that the subdivider has title to the subdivision property and the authority to execute the subdivision agreement;

(10) where the subdivision is within the regulatory floodway, a provision requiring the subdivider to submit certification of floodproofing, information on the elevation of the lowest habitable floor, and information on the elevation to which the structure is floodproof for each building or structure to be constructed as part of the subdivision agreement;

(11) a provision that all work shall be performed pursuant to Matanuska-Susitna Borough specifications for subdivision improvements or, where city specifications are applicable, city specifications for such improvements;

(12) a provision that work shall not commence until plans have been approved by the platting division and notice to proceed is given.

(Ord. 11-072, § 3 (part), 2012)

may provide a surety bond from a company authorized to do such business in the state of Alaska. The bond shall be in an amount equal to the estimated cost of all required public improvements plus an overrun allowance as provided in subsection (B) of this section. The bond shall be payable to the borough in the event that any required public improvements are not finally accepted in accordance with the provisions of this title and shall be posted by no person other than the subdivider.

(2) *Deposit in escrow.* The subdivider may elect to deposit a cash sum equal to the estimated cost of all required public improvements plus overrun allowances as provided above either with the borough or in escrow with the responsible financial institution authorized to do such business in the state of Alaska. In the case of an escrow account, the subdivider shall file with the borough an escrow agreement which includes the following terms:

(a) Funds of the escrow account shall be held in trust until released by the borough and may not be used or pledged by the subdivider as security in any matter during the period other than payment for the improvements. The funds may be released upon authorization by the borough for payment of improvements as made, except that the escrow holder shall always withhold from disbursement so much of the fund as is estimated by the borough as being necessary to complete the construction and installation of the improvements, plus an overrun at the percentage under subsection (B) of this section that is applicable to the cost of the remaining construction.

(b) In the case of a failure on the part of the subdivider to complete any improvement within the required time period, the institution shall immediately make all funds in the account available to the borough for use in the completion of those improvements.

(3) *Letter of credit.* The subdivider may elect to provide from a bank or other responsible financial institution authorized to do such business in the state of Alaska an irrevocable letter of credit that is good until a time as the borough authorizes its revocation. The letter shall be filed with the borough and shall certify the following:

(a) that the creditor irrevocably guarantees funds in an amount equal to the estimated cost of all required public improvements plus overrun allowances as required in subsection (B) of

this section for the completion of all such improvements;

(b) that in the case of failure on the part of the subdivider to complete any specified improvements within the required time period, the creditor shall pay to the borough immediately and without further action the funds as the borough determines are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

(Ord. 11-072, § 3 (part), 2012)

43.55.035 RELEASE OF GUARANTEE.

(A) The borough shall release the obligation for performance guarantees upon the final acceptance of the improvement and the posting of adequate security for the warranty. The borough may refuse to release the guarantee and obligation for any particular public improvement if the subdivider is in present or imminent default in whole or in part on the completion of any other public improvement or warranty covered by the subdivision agreement.

(Ord. 11-072, § 3 (part), 2012)

43.55.037 WARRANTY.

(A) *Warranty of improvements.* The subdivider shall warrant and guarantee that required public improvements constructed under the agreement have been constructed in accordance with the approved plans, shall remain in good condition and meet all applicable specification for one year after final acceptance of all improvements required to be constructed. The warranty includes defects in design, workmanship, materials, and any damage to improvements caused by the subdivider, its agents, or others engaged in work to be performed under the subdivision agreement.

(B) *Security for warranty.* To secure the warranty, the guarantee of performance provided in MSB 43.55.030 shall remain in effect until:

- (1) the end of the warranty period; or
- (2) the subdivider has furnished the borough with a corporate surety bond, cash deposit, or letter of credit in an amount equal to a percent of the total construction costs as set forth below. This security shall guarantee the payment of any reconstruction or repair costs which may be undertaken due to failure occurring during the

term "municipality" includes the borough and cities with the Matanuska-Susitna Borough.

(B) Where, by borough ordinance, a municipality is given authority to determine, accept, release, or take similar actions relating to subdivision improvement guarantees or warranties, or the ordinance provides for procedures or standards that are different from the provisions of this chapter, the ordinance governs to the extent of its coverage of the actions.

(Ord. 11-072, § 3 (part), 2012)